

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eugenio Cefali, et al.
Serial No.: 08/960,557
Filing Date: 31 October 1997
Docket Number: 50454-56103USCIP
Title: METHODS FOR TREATING HYPERLIPIDEMIA WITH
 INTERMEDIATE RELEASE NICOTINIC ACID
 COMPOSITIONS HAVING UNIQUE
 BIOPHARMACEUTICAL CHARACTERISTICS
Art Unit: 1615
Examiner: J.M. Spear
Date: 4 January 2005

Attn: Petitions Attorney Frances Hicks ((517) 272-3218)
Office of Petitions
Madison Building (West), 600 Dulany Street

Mail Stop 313(c)
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RECEIVED
 JAN 04 2005
OFFICE OF PETITIONS

PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)(2)

Sir:

The issue fee having been paid on April 27, 2004 pursuant to 37 C.F.R.

§ 1.313(c)(2), Applicants respectfully petition the Commissioner to withdraw the above-referenced application from issue for consideration of the Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 enclosed herewith, and the accompanying Supplemental Information Disclosure Statement, which identifies documents that have not been considered by the Examiner and are not of record.

01/05/2005 AKELLEY 00000001 502543 08960557

01 FC:1464	130.00 DA
02 FC:2001	395.00 DA
03 FC:1463	200.00 DA

EXPEDITED HANDLING REQUESTED

Applicants understand that the application is expected to issue within weeks; expedited handling of this Petition is therefore respectfully requested.

FORMAL MATTERS: AUTHORIZATION TO CHARGE PETITION FEE

The Commissioner is authorized to charge the \$130.00 Petition fee, the \$790.00 RCE fee, and any other fees necessitated by these papers to Deposit Account No. 50-2543. A duplicate of this paper is attached for this purpose. The Commissioner is hereby authorized to charge any additional or increased fees, or to credit any overpayment to Deposit Account No. 50-2543.

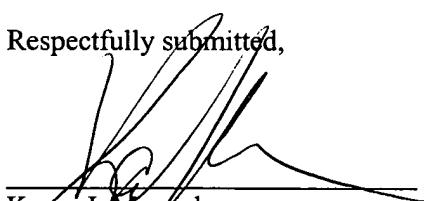
REQUEST FOR INTERVIEW

If any questions remain, Applicants respectfully requests that the Office of Petitions contact Applicants' undersigned representative at (954) 331-3825.

CONCLUSION

It is requested that the present application be withdrawn from issue for consideration of the RCE and the Supplemental Information Disclosure Statement. Favorable consideration hereof is earnestly solicited.

Applicants' undersigned attorney may be reached by telephone at (954) 331-3825. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Karen J. Messick
Attorney for Applicants
Registration No. 46,256

Kos Pharmaceuticals, Inc.
2200 North Commerce Parkway
Suite 300
Weston, FL 33326

Phone 954.331.3825
Fax: 954.331.3867

Date: 1/4/05